

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2019-224-E**

South Carolina Energy Freedom Act	)	
(H.3659) Proceeding Initiated Pursuant	)	
to S.C. Code Ann. Section 58-37-40 and	)	
Integrated Resource Plans for Duke	)	<b>PETITION TO INTERVENE</b>
Energy Carolinas, LLC	)	
	)	

Petitioner Cherokee County Cogeneration Partners, LLC. (“Petitioner” or “Cherokee”) hereby petitions the South Carolina Public Service Commission (the “Commission”), pursuant to Rule 103-825 of the Commission’s Rules, for an order allowing Petitioner to intervene in the above referenced Docket, with full rights to participate as a party of record. In support of its petition, Petitioner would show the Commission the following:

1. Cherokee is limited liability company (LLC) organized under the laws of the State of Delaware.
2. Cherokee's legal representative in this proceeding, to whom all notices, pleadings and other documents related to this proceeding should be directed, is:

John J. Pringle, Jr.  
Adams and Reese LLP  
1501 Main Street, 5th Floor  
Columbia, SC 29201  
Phone: (803) 343-1270  
Fax: (803) 779-4749  
[jack.pringle@arlaw.com](mailto:jack.pringle@arlaw.com)

Cherokee consents to electronic service in this proceeding.

3. Cherokee owns and operates an existing 98 MW combined cycle power generating facility in Cherokee County, South Carolina (“the Cherokee facility”). The Cherokee facility is a cogeneration facility providing steam and other services to an industrial facility and a Qualifying Facility, as that term is defined in Section 210 of PURPA.<sup>1</sup> The Cherokee facility has provided energy and capacity to Duke Energy Carolinas, LLC (“DEC”) for the past 22 years, most recently pursuant to a power purchase agreement (“PPA”) approved by this Commission in Docket No. 2012-272-E.

4. As the owner and operator of a Qualifying Facility doing business with DEC through a PPA with a term that ends at the end of 2020, Cherokee has a direct and substantial interest in the matters to be addressed by the Commission in this Docket, and no other party to this Docket can adequately represent Cherokee’s interests in these proceedings.

5. Petitioner should therefore be permitted to intervene in this proceeding to participate fully and present testimony and other evidence in this Docket as appropriate.

6. Petitioner has not yet developed a position in this Docket. However, Petitioner reserves the right to set forth its position more fully as necessary and appropriate as this proceeding moves forward.

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<sup>1</sup> 18 U.S.C. § 824a-3.

WHEREFORE, Petitioner prays for the Commission to:

- a. Grant this Petition to Intervene and make Petitioner a party of record in Docket No. 2019-224-E, allowing Petitioner to participate fully and take such positions as it deems advisable; and
- b. Grant such other relief as the Commission deems just and proper.

Respectfully submitted,

**ADAMS AND REESE LLP**

BY: s/John J. Pringle, Jr.  
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Attorneys for Petitioner

October 9, 2020  
Columbia, South Carolina

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IN RE:

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)

**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day, the **Petition to Intervene** to the individuals listed below via electronic mail to the e-mail address on file with the Public Service Commission:

Andrew M. Bateman Office of Regulatory Staff <a href="mailto:abateman@ors.sc.gov">abateman@ors.sc.gov</a>	Frank R. Ellerbe III Robinson Gray Stepp & Laffitte <a href="mailto:fellerbe@robinsongray.com">fellerbe@robinsongray.com</a>
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s/ John J. Pringle, Jr.  
John J. Pringle, Jr.

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